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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR-01-0329 MMC

Plaintiff,

**ORDER DENYING DEFENDANT’S  
MOTION FOR SENTENCE REDUCTION**

v.

GARY ADAMS,

Defendant

By order filed July 5, 2012, the Court denied defendant Gary Adams’ (“Adams”) “Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence.” In so ruling, the Court held the Fair Sentencing Act of 2010 did not apply to Adams’ sentence. (See Order, filed July 5, 2012, at 1:26-28.)

Now before the Court is Adams’ “Motion for Sentence Reduction,” filed December 26, 2012, by which Adams again argues that the Fair Sentencing Act of 2010 is applicable. The Court construes the instant motion as a motion for reconsideration of the Court’s finding, made in its order of July 5, 2012, that the Fair Sentencing Act does not apply to Adams’ sentence. So construed, the motion is hereby DENIED, for the reason that Adams fails to identify any cognizable basis for reconsideration.

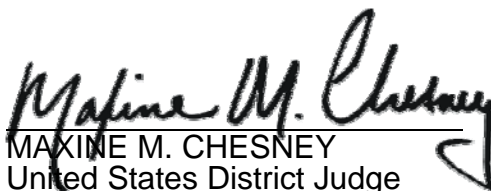
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1 Finally, should Adams seek to appeal the instant order, the Court hereby DENIES a  
2 certificate of appealability, for the reason that Adams has not made a “substantial showing  
3 of the denial of a constitutional right.” See 28 U.S.C. § 2253(c)(2).

4 **IT IS SO ORDERED.**

5  
6 Dated: January 2, 2013

  
MAXINE M. CHESNEY  
United States District Judge